

ALL ASSETS CONTAINED IN MERRILL  
LYNCH ACCOUNT 77N07415, HELD IN THE  
NAME OF "YELLOW CIRCLE LP," AND ALL  
FUNDS TRACEABLE THERETO,  
INCLUDING ACCRUED INTEREST;

20 Civ. 8950 (KPF)

ALL ASSETS CONTAINED IN MERRILL :  
 LYNCH ACCOUNT 6JB07415, HELD IN THE :  
 NAME OF “YELLOW CIRCLE LP,” AND ALL :  
 FUNDS TRACEABLE THERETO, :  
 INCLUDING ACCRUED INTEREST; :

ALL ASSETS CONTAINED IN MERRILL :  
 LYNCH ACCOUNT 6JB07419, HELD IN THE :  
 NAME OF “YELLOW CIRCLE LP,” AND ALL :  
 FUNDS TRACEABLE THERETO, :  
 INCLUDING ACCRUED INTEREST; :

ALL ASSETS CONTAINED IN MERRILL :  
 LYNCH ACCOUNT 6JB07031, HELD IN THE :  
 NAME OF “YELLOW CIRCLE LP,” AND ALL :  
 FUNDS TRACEABLE THERETO, :  
 INCLUDING ACCRUED INTEREST; :

and :

ALL ASSETS CONTAINED IN MERRILL :  
 LYNCH ACCOUNT 6JB07032, HELD IN THE :  
 NAME OF “YELLOW CIRCLE LP,” AND ALL :  
 FUNDS TRACEABLE THERETO, :  
 INCLUDING ACCRUED INTEREST; :

Defendants-*in-rem*. :

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WHEREAS, on or about October 26, 2020, the United States commenced an *in-rem* forfeiture action by filing a Verified Complaint for Forfeiture (the “Forfeiture Complaint”) seeking the forfeiture of the following assets:

- a. \$4,556.30 in United States currency formerly contained in Citibank Account 679-6579966, held in the name of “International Purchasing Advisors, LLC”;
- b. \$3,253.13 in United States currency formerly contained in Merrill Lynch account 6JB07032, held in the name of “Yellow Circle LP”;

- c. \$11,021.56 in United States currency formerly contained in Merrill Lynch account 6JB07031, held in the name of “Yellow Circle LP”;
- d. \$20,097.64 in United States currency formerly contained in Merrill Lynch account 6JB07419, held in the name of “Yellow Circle LP”;
- e. \$155,666.93 in United States currency formerly contained in Merrill Lynch account 6JB07415, held in the name of “Yellow Circle LP”;
- f. All assets contained in Merrill Lynch account 77N07415, held in the name of “Yellow Circle LP,” and all funds traceable thereto, including accrued interest;
- g. All assets contained in Merrill Lynch account 6JB07415, held in the name of “Yellow Circle LP,” and all funds traceable thereto, including accrued interest;
- h. All assets contained in Merrill Lynch account 6JB07419, held in the name of “Yellow Circle LP,” and all funds traceable thereto, including accrued interest;
- i. All assets contained in Merrill Lynch account 6JB07031, held in the name of “Yellow Circle LP,” and all funds traceable thereto, including accrued interest; and
- j. All assets contained in Merrill Lynch account 6JB07032, held in the name of “Yellow Circle LP,” and all funds traceable thereto, including accrued interest.

(a. totaling \$4,556.30 the “International Purchasing Defendant Currency”; b. through e. totaling \$190,039.26, the “Yellow Circle Defendant Currency”, and f. through j. collectively, the “Defendant Accounts”; a. through j., collectively, the “Defendants-*in-rem*”).

WHEREAS, the Verified Complaint alleged that the Defendants-*in-rem* are subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(A) and Title 21, United States Code, Section 881(a)(6);

WHEREAS, notice of the Verified Complaint against the Defendants-*in-rem* was posted on the official government internet site, [www.forfeiture.gov](http://www.forfeiture.gov), for at least 30 consecutive days, beginning on November 13, 2020 through December 12, 2020, and proof of such publication was filed with the Clerk of this Court on October 6, 2021 (D.E. 26);

WHEREAS, as set forth in Rule G(4)(a)(ii) and Rule G(5)(a)(ii), the notice of

forfeiture specified the Defendants-*in-rem* and the intent of the United States to forfeit and dispose of the Defendants-*in-rem*, thereby notifying all third parties of their right to file a claim to adjudicate the validity of their alleged legal interest in the Defendants-*in-rem*, within sixty days from the first day of publication of the Notice on the official government internet site;

WHEREAS, on or about December 11, 2020, Yellow Circle LP and Elias Nousairi Smeke (together the “Claimants”) filed a claim asserting an ownership interest in the Yellow Circle Defendant Currency and the Defendant Accounts (D.E. 8);

WHEREAS, on or about October 6, 2021, the Court entered a Stipulation and Order of Settlement whereby the Claimants agreed to forfeit the Yellow Circle Defendant Currency and to forfeit an additional sum of \$517,282.82 in United States currency to the United States as a substitute *res* in lieu of forfeiting the Defendant Accounts (the “Payment”) (D.E. 25);

WHEREAS, the Claimants have so made the Payment to the United States via wire transfer to the United States Marshals Service, and such payment is currently held in the Seized Asset Fund pending entry of a final Judgment of Forfeiture; and

WHEREAS, no claims or answers have been filed or made in this action, except the settled Yellow Circle Claim, and no other parties have appeared to contest the action, and the requisite time periods in which to do so, as set forth in Title 18, United States Code, Section 983(a)(4)(A) and Rule G of the Supplement Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims, have expired;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The International Purchasing Defendant Currency and the Yellow Circle Defendant Currency shall be, and the same hereby are, forfeited to the plaintiff United States of America.

2. The Payment, in lieu of the Defendant Accounts shall be, and the same hereby is, forfeited to the plaintiff United States of America.

3. The United States Marshals Service (or its designee) shall dispose of the the International Purchasing Defendant Currency, the Yellow Circle Defendant Currency and the Substitute Payment according to law.

The Clerk of Court is directed to terminate the pending motion at docket entry 27.

Date: November 2, 2021  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE